IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Civil Writ Petition No. 1484 of 2006 (S/S)

Smt. Bindrawati
W/o late Sri Phool Chand
R/o Horticulture Research Center,
Pattharchatta, Pantnagar,
District Udham Singh Nagar.

…… Petitioner

Versus

1. Establishment Officer
   G.B. Pant University of Agriculture and
   Technology, Pantnagar, Udham Singh Nagar.
2. Vice Chancellor
   G.B. Pant University of Agriculture and
   Technology, Pantnagar, Udham Singh Nagar.

…… Respondents

Mr. Alok Mehra, Advocate holding brief of Mr. Manoj Tiwari, learned counsel the petitioner.
Mr. Rajendra Dobhal, learned counsel for the respondents.

Hon'ble Prafulla C. Pant, J.

Heard learned counsel for the petitioner.

2) By means of this writ petition, moved under Article 226 of the Constitution of India, the petitioner has challenged the order dated 05.09.2006, passed by the respondent University, whereby the representation for appointment on compassionate ground has been refused to the petitioner.

3) The impugned order (Annexure -4 to the writ petition) clearly shows that as per the bye laws, applicable to the employees of the University, 'at least three years

continuous service in the University' is required of the employee whose dependent has sought appointment on compassionate ground. Petitioner's husband late Sri Phool Chand was admittedly engaged on daily wages with the University and his services were regularised on the post of Pump Operator only on 16.10.1995. He died in harness on 05.07.1996 i.e. within three years of his service.

4) Learned counsel for the petitioner argued that the expression 'atleast three years continuous service' do not refer to the regular service and the petitioner, as service on daily wages, is also required to be taken into account. This Court is unable to accept the contention of learned counsel for the petitioner that word '*service'* includes the work taken from the employee on daily wages. Having gone through the impugned order, this Court does not see any infirmity in the order passed by the University authorities on the representation made by the petitioner.

5) For the reasons as discussed above, the writ petition is liable to be dismissed. The same is dismissed in limine. (Stay Application No. 14427 of 2006 also stands disposed of).

(Prafulla C. Pant, J.)

Dt.: November 29, 2006
H.Negi